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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,280	04/30/2007	Dirk Dobrindt	N89297DAN	8067
1333 7590 01/22/2009 EASTMAN KODAK COMPANY PATENT LEGAL STAFF 343 STATE STREET ROCHESTER, NY 14650-2201			EXAMINER SEVERSON, JEREMY R	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 01/22/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,280

Applicant(s)

DOBRINDT ET AL.

Examiner

Jeremy Severson

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9 and 14 is/are rejected.
- 7) ☒ Claim(s) 7, 10-13 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/083)
Paper No(s)/Mail Date 8/22/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 1-17 are objected to as lacking an article at the beginning of the claims, such as "a" or "the". While there is no set statutory form for claims, the present Office practice is to insist that each claim must be the object of a sentence starting with "I (or we) claim," "The invention claimed is" (or the equivalent). See MPEP 608.01(m).

Claims 1-17 are objected to as having improper formatting. Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP 608.01(i)-(p).

Claims 7, 10-13 and 15-17 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Also, regarding claim 7, claims should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 8, 9, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what "the region covered by the rotating sheet transport element" means. Particularly, it is unclear what spatial relationship the drag element must have with the rotating sheet transport element in order to be considered "in the region covered" by it. There is no antecedent basis for this limitation in the claims.

Further, claim 3 recites the limitation "the pivoting element". There is insufficient antecedent basis for this limitation in the claim.

Further, claim 14 recites the limitations "the second sheet transport element", "the overlap elements" and "the joint axis". There is insufficient antecedent basis for these limitations in the claim.

The claims will be examined as best understood by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Evangelista (US 5,114,135).

Regarding claim 1, Evangelista discloses a device for depositing sheets for a printing machine, preferably an electro-photographically operating printing machine, said device comprising at least one rotating drivable sheet transport element, which is designed to receive or grasp a leading edge of a sheet and deposit said sheet on a stack after said sheet has traveled a path of rotation, and comprising at least one drag

element (116) for pulling a sheet that has been deposited on the stack toward a mechanical stop, characterized in that the drag element is coupled with the rotation of the sheet transport element and is arranged in such a manner that said drag element can assume an inoperative position within the region covered by the rotating sheet transport element and that said drag element, in order to perform its dragging function, can be moved at least partially out of the region covered by the rotating sheet transport element.

Regarding claim 2, Evangelista discloses a device characterized in that the drag element is linked in such a manner that it can be pivoted.

Regarding claim 3, Evangelista discloses a device characterized in that the pivoting element is linked in such a manner that, during its rotation in the region of the stack, it folds out into its dragging position due to its weight and, in the course of the path of rotation, folds in again into its inoperative position.

Regarding claim 4, Evangelista discloses a device characterized in that, in order to achieve the effect of weight, a weight element (114) is connected with the drag element.

Regarding claim 5, Evangelista discloses a device characterized in that the weight element (114) substantially has the configuration of an arm.

Regarding claim 6, Evangelista discloses a device characterized in that the drag element (114) is substantially arm-shaped and its free end points essentially in a direction opposite the rotary motion.

Regarding claim 8, Evangelista discloses a device characterized in that at least two coaxially rotatable cooperating sheet transport elements are provided, the first sheet transport element (disk element 30) featuring a generated surface acting as a support for the sheet, thus essentially predetermining a path of curvature for the sheet to be transported, and the second sheet transport element (arm forming the disk slot) comprising at least one overlap element to overlap the received leading edge of the sheet in such a manner that the leading edge of the sheet can be grasped between said overlap element and said generated surface.

Regarding claim 9, Evangelista discloses a device characterized in that the drag element (116) is coupled with the second sheet transport element (arm forming the disk slot), and that the drag element, in its inoperative position, is substantially configured and positioned, viewed from the front side of the device, approximately in such a manner that said drag element is congruent with said overlap element.

Regarding claim 14, Evangelista discloses a device characterized in that the side of the overlap elements of the second sheet transport elements facing the sheet is at a radial distance from the joint axis, which is smaller than the overlapped exterior side of the sheet applying its thickness to the radius of the generated surfaces of the first sheet transport elements, so that the leading edge of the sheet is forced in its travel, in a tension-generating manner in the region of the overlap elements, slightly into the direction of the joint axis and is thus bent, and that each drag element can also be pivoted out over the region covered by the first sheet transport element.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Severson whose telephone number is (571)272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeremy Severson/
Examiner, Art Unit 3653

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
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